

June 27, 1996

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON

700 Central Building
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Seattle, Washington 98104
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COMBINED REPORT:

- A. PRELIMINARY PLAT RECOMMENDATION TO KING COUNTY COUNCIL
- B. CONDITIONAL USE PERMIT DECISION
- C. SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT DECISION

SUBJECT: Department of Development and Environmental Services
File Nos. **S91P0025, L95AC011 & L95SH146**
Proposed Ordinance No. **96-421**

CEDARWOOD

Preliminary Plat Application
Conditional Use Permit Application
Shoreline Substantial Development Permit Application
(Combined Public Hearings)

Location: 14207 SE Renton-Maple Valley Highway; generally located between Renton-Maple Valley Highway and SE 159th Place (if extended) and between 149th Avenue SE (if extended), south-east of the Cedar River, along east side of 140th Way SE

Applicant: Cedarwood Group
14410 Bel-Red Road, #140
Bellevue, WA 98009
Represented by:
Richard Wilson, Attorney At Law
1221 Second Avenue, #500
Seattle, WA 98101-2925

PRELIMINARY MATTERS:

Plat application (revision) submitted:	October 3, 1995
Conditional use permit application submitted:	October 3, 1995
Shoreline substantial development permit application submitted:	October 3, 1995
Department Preliminary Report issued:	May 26, 1996
SEPA Threshold Determination Appeal Report issued:	June 14, 1996

EXAMINER PROCEEDINGS:

Pre-Hearing Conference:	May 23, 1996
Hearing Opened:	June 6, 1996
Hearing Closed:	June 14, 1996

The hearing record on the preliminary plat, conditional use permit, and shoreline substantial development permit was continued open in order to enter the Examiner's SEPA threshold determination decision. On June 14, 1996, the Examiner issued his SEPA threshold determination appeal decision, whereupon the hearing record closed.

Participants at the proceedings and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Office of the King County Hearing Examiner.

ISSUES ADDRESSED:

- Historic sites
- Surface water drainage
- Public facility mitigation
- Sensitive areas (landslide, erosion hazard)

FINDINGS, CONCLUSIONS, DECISIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner/Developer: Cedarwood Group
14410 Bel-Red Road, #140
Bellevue, WA 98009
(206) 649-8668

Engineer/Surveyor: Hugh Goldsmith & Associates, Inc.
P.O. Box 3565
1215 - 114th Avenue Southeast
Bellevue, WA 98009
(206) 462-1080

STR: NW & SE 22-23-05

Location: Generally located on the south side of SR 169 (Maple Valley Highway) between 140th Way SE and 150th Avenue SE (if extended); the associated SDP is west of 140th Way SE on the south side of Maple Valley Highway at the existing WSDOT drainage outlet to the Cedar River

Zoning: R-6

Acreage: 73.5

Number of Lots: 96 single-family lots (division 1 & 2)
146 multi-family units (tract A/division 3)

Density: 3.2 dwelling units per acre

Typical Lot Size: Ranges from approximately 5,500 to 7,000 square feet

Proposed Use: Single-family detached & multifamily

Sewage Disposal: Cedar River Water & Sewer District

Water Supply: Cedar River Water & Sewer District

Fire District: King County Fire District #40

School District: Renton District #403

Dates of Application: Plat application (revision) submitted October 3, 1995
Conditional use permit application submitted October 3, 1995
Shoreline substantial development permit application submitted October 3, 1995

2. The Applicant proposes to subdivide 73.5 acres into 96 single-family residential building lots on two tracts, and 146 multi-family condominium units on a third tract. Using KCC 21A.34 provisions which allow residential density incentives for providing "affordable housing" (in this case, only one unit) the Applicant proposes an overall development density of 3.2 dwelling units per acre. The multi-family parcel is proposed to be developed through conditional use permit.

As a consequence of the development proposal, a shoreline substantial development permit application is required in order to review the Applicant's proposed drainage system which includes replacement of an existing 18-inch stormwater pipe with a new 36-inch pipe with an outfall terminating at the ordinary high water mark of the Cedar River.

Consequently, the proposed development requires three approval actions:

- A. Preliminary plat approval by the Metropolitan King County Council for the 96 lot single-family residential subdivision;
- B. Conditional use permit to authorize development of the 146 multi-family condominium development; and,
- C. Shoreline substantial development permit (SDP) for the proposed placement of drainage pipe outfall at the Cedar River edge.

Copies of the proposed land development and drainage system are attached to the Department of Development and Environmental Services (DDES or the "Department") Preliminary Report to the Hearing Examiner, dated June 6, 1996 (Exhibit No. 2). A copy of Exhibit No. 2 will be attached to those copies of this Examiner's report which are forwarded to members of the Metropolitan King County Council for final action on the proposed subdivision.

3. On April 23, 1996 the Department issued a mitigated threshold determination of non-significance (MDNS) for the proposed development. That is, the Department issued its determination that, if certain mitigating measures were enacted, the proposed development would not cause probable significant adverse impact upon the environment and therefore would not require preparation of an environmental impact statement (EIS). The mitigating measures are contained in Exhibit No. 5 (MDNS dated April 23, 1996), and are also restated on pages 3 and 4 of Exhibit No. 2.

The mitigating conditions require development of a wet pond to specified standards: a car wash pad for the condominium portion of the project; additional drainage requirements (including a drainage pipeline and roof downspout infiltration/dispersion systems); a 310-foot sight line in order to maintain street side views of the Elliott Farm historical homestead; and, landscaping installed in a manner which will screen views of the multi-family portion of the proposed development when viewed from the east (from historic Elliott Farm).

Two timely appeals from the MDNS were filed: One, by applicant Cedarwood Group; the other, by Richard Barrett. The applicant's appeal resulted in a revision to mitigating measure No. 4. It establishes a view corridor sight line from the Maple Valley Highway to the Elliott Farm historical homestead residence and permits berming and fencing in such a way that the entire house is visible from the ground line up with no obstruction within a specified sight line area. The Barrett SEPA threshold determination appeal was denied. See Exhibit No. 64, Examiner's June 14, 1996 Report and Decision on an Appeal from SEPA Threshold Determination.

4. These are the Department's recommendations:

- A. Preliminary Plat. The Department recommends granting preliminary plat approval, subject to the 22 conditions of final plat approval set out on pages 18 through 22 of the Department's Preliminary Report to the King County Hearing Examiner dated June 6, 1996 (Exhibit No. 2), EXCEPT for the following changes:
- 1) Preliminary Plat Drawing. The Department's final recommendation is based upon the Applicant's June 5, 1996 preliminary plat drawing submittal (Exhibit No. 7), **not** on the Applicant's May 15, 1996 submittal indicated on page 17 of the Department's Report.
 - 2) Relationship to Shoreline Controls; Recommended Condition No. 20. In its Preliminary Report, the Department recommended that the subdivision be required to comply with the requirements established by the Shoreline Substantial Development Permit. Now, however, the Department recommends that the Shoreline Substantial Development Permit compliance be achieved "prior to engineering plan approval".
 - 3) Base Density. The Department amends its preliminary recommendation to delete any approval requirement dependent upon base density. Thus, the Department recommends that "the plat shall meet the minimum density of the R6 zone classification".
 - 4) King County Road Standards (KCRS). The Department recommends that the construction and upgrading of public and private roads be done in accordance with the KCRS adopted by Ordinance No. 11187. The Department's preliminary recommendation had cited an older version.
 - 5) Traffic Controls; Recommended Condition No. 8.d. The Department corrects a typographical error on page 19 of its Preliminary Report, thus requiring installation of an interim signal and southbound left-turn lane, NOT "land".
 - 6) Utilities; Recommended Condition No. 11. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final recording. In this case, the Department suggests some leeway by also allowing utility installation when "otherwise approved by King County".
 - 7) Planter Island Maintenance; Recommended Condition No. 14. It is a usual practice of the Department to recommend that planter islands, if any, within turnaround bulbs must be maintained by abutting lot owners. However, in this case, the Department also provides for homeowners' association maintenance as well.
 - 8) Sensitive Areas; Recommended Condition No. 15. Recommended Condition No. 15, as contained in the Department's Preliminary Report, would establish numerous sensitive areas protection controls. In the Department's revised final recommendation, it adds to those conditions of final plat approval by requiring a buffer enhancement plan, performance bond, monitoring of the enhanced buffer area, minimum buffer areas along steep slopes in both Division Nos. 1 and 2, a minimum buffer width along the toe of all steep slopes, a 50-foot building setback line along the top of the steep slope in Division No. 1, and revegetation of any disturbed sensitive area steep slope buffers. In addition, the Department recommends replacing the Sensitive Areas Tract restrictions contained in Exhibit No. 16 with more up-to-date language which reflects KCC 21A.24.
 - 9) Recreation Space; Recommended Condition No. 17. In its Preliminary Report, the Department recommends that suitable recreation space and improvements be provided consistent with KCC 21A.14.180. In its final recommendation, the Department additionally specified KCC 21.14.190 and the "conceptual plans" submitted by the Applicant on June 5, 1996.
 - 10) SEPA; Recommended Condition No. 19.5. In its final revision to its preliminary plat recommendation, the Department suggests that the SEPA requirements contained in the plat conditions be amended consistent with the Department's position on the SEPA threshold determination appeal. (See discussion of MDNS Condition No. 4, in Finding No. 3, above.) That position was accepted and adopted by the Examiner in his June 14, 1996 Report and Decision on the SEPA threshold determination appeal.
- B. Shoreline Management. The Department makes no significant changes to its shoreline management preliminary recommendation. However, the Department makes several minor "housekeeping" changes which are indicated on page 2 on Exhibit No. 33, a copy of which is attached to this Report and Recommendation.
- C. Conditional Use Permit. Regarding the conditional use permit (multi-family) portion of the proposed development, the Department recommends incorporating the revised SEPA condition (see Exhibit No. 33, attached), a requirement of one "affordable unit" to be provided (in order to

satisfy code density qualification criteria), and to specify the Applicant's May 20, 1996 site plan as the controlling site plan. In addition, the Department recommends that the sensitive areas requirements be expanded in the same manner as the sensitive areas requirements imposed upon the plat. (Again, see Exhibit No. 33, attached.)

5. The Applicant accepts the Department's modified recommendation as described in Finding No. 4, above. The Department's final recommendation also is described by applying the changes described in attached Exhibit No. 33 to the Department's Preliminary Report (Exhibit No. 2).
6. King County Fire District No. 40 is negotiating with the Applicant to provide the District an opportunity to acquire some portion of Tract N for an emergency vehicle facility. By terms of the agreement described in this hearing record, the acquisition must occur within five years. If not, the entire tract would revert to permanent open space. The District asks for exemption from the conditional use permit requirements for the future development it contemplates, based upon the argument that the present review is sufficient. Neither the District nor the Department have indicated that there is any code provision or case law which would allow such an exemption.
7. Neighboring property owners express these concerns:
 - A. Historic Preservation. The Elliott Farm Landmark Site, designated by the King County Landmarks Preservation Board, is located adjacent to the Division 3 conditional use permit multi-family development portion of the project. Issues raised with respect to the Elliott Farm Landmark Site are addressed in the Examiner's June 14, 1996 SEPA Threshold Determination Report and Decision, incorporated here by this reference.
 - B. Drainage. Some neighbors express concern regarding water quality and impacts upon the Cedar River. None of the project is within 100-year floodplain, except for an outfall pipe. The King County Surface Water Management Design Manual designates the Cedar River as a receiving body. That is, the Cedar River is designated as a water body which can safely receive discharge from adjacent developments without first holding back peak storm run-off in a retention/ detention (R/D) pond. In fact, using a R/D facility along this reach of the Cedar River could increase, not decrease, the likelihood of adverse flooding effects. This apparent paradox occurs because an R/D pond could detain storm releases until the peak flood period for the adjacent river. Thus, it would be wiser to directly discharge run-off from Cedarwood prior to the peak flow.

The Department is aware of the sub-surface aquifer in the vicinity and recommends controls, including biofiltration within a lined water quality treatment facility in order to protect the aquifer. The water quality controls comply with the recommendations of the City of Renton, the public agency having the greatest direct concern with aquifer water quality in the Cedarwood area.
 - C. Traffic. Concerns regarding traffic will be addressed by these controls: Interim signalization and southbound left-turn lane at the entrance to Division No. 1; a southbound left-turn lane and merge/refuge lane at the proposed entrance to Division No. 2; Mitigation Payment System (MPS) payments; compliance with Washington State Department of Transportation (WSDOT) requirements for access onto SR 169 west; and access at SE 151st Place shall be right in, right out if required sight distance cannot be obtained; and development consistent with King County Road Standards.
 - D. Sensitive Areas. Substantial portions of the subject property will remain undeveloped in perpetuity in order to avoid seismic hazard, erosion and landslide areas, as well as wetland areas.
 - E. Crime. At least one neighboring property owner expresses concern that the multi-family development (CUP) portion will "downgrade" the neighborhood, resulting in an increase in theft and other crimes.
8. WSDOT, represented by Chuck Adams, indicates that continuing unregulated access to SR 169 cannot be promised. In the future, SR 169 access may be limited to right in/right out.

WSDOT agrees with the Applicant's conceptual drainage plan, which calls for the Cedarwood outfall to be combined with the neighboring WSDOT outfall. Maintenance responsibilities would be assumed by King County. WSDOT also has several controls or "standards of approval" which they will require to be satisfied prior to outfall construction. These requirements are contained in Exhibit No. 55.
9. Except as noted above, the facts and analysis contained in the Land Use Services Division Preliminary Report dated June 6, 1996 are correct and are incorporated here by reference. A copy of the Land Use Services Division report will be attached to those copies of the examiner's report which are submitted to the King County Council.
10. Any portion of any of the following conclusions which may be construed as a finding is incorporated here by reference.

CONCLUSIONS:

1. Due to the absence of any code provision or case law which would allow the future review exemption requested by King County Fire District No. 40, the request should be denied. See Finding No. 6, above.
2. The water quality concerns expressed by some neighbors are reasonable. Fortunately, the Department shares those same concerns, which it has addressed in a variety of recommended controls, particularly regarding water quality. Likewise, the requests of the City of Renton regarding water quality have been well received by both the Department and the Applicant and will be incorporated in the engineering plans. The Council need not require any additional controls.
3. As indicated in Condition No. 7c, a variety of traffic controls will be applied, thereby addressing the significant traffic impacts. See Finding No. 7C, above.
4. Likewise, the sensitive areas (seismic hazard, erosion, and landslide areas) will be well preserved by a preliminary plat design which leaves an exceptional amount of open space for perpetuity. This open space, comprised principally of the sensitive areas of concern, will provide not only an environmental amenity to the residents and broader community, but also will preclude development which is environmentally degrading or dangerous to purchasers.

The MDNS, as modified by the Examiner's June 14, 1996 Report and Decision, appropriately protects the public interest in the abutting historic Elliott Farm. The Examiner's June 14, 1996 conclusions (Exhibit No. 64) are incorporated here by this reference.

5. Based upon the whole record, and according substantial weight to the determination of environmental significance made by the Environmental Division, it is concluded that approval of this subdivision as recommended below would not constitute a major action significantly affecting the quality of the environment. All evidence of environmental impact relating to the proposed action and reasonable alternatives to the proposed action have been included in the review and consideration of this action.
6. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the Comprehensive Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
7. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for drainage ways, streets, other public ways, water supply, and sanitary wastes; and it will serve the public use and interest.
8. The conditions recommended in the Land Use Services Division's Preliminary Report are in the public interest and are reasonable requirements.

CONDITIONAL USE PERMIT DECISION:

Conditional Use Permit Application L95AC011, comprising Division No. 3 of the proposed plat of Cedarwood, is APPROVED as described by Exhibit No. 7b, subject to the conditions contained on pages 25 through 27 of the DDES Preliminary Report to the Hearing Examiner dated June 6, 1996 (Exhibit No. 2), AS MODIFIED by Exhibit No. 33 (attached to this June 27, 1996 Hearing Examiner's Report).

SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT PERMIT DECISION:

The Shoreline Management Permit Application to construct a drainage outfall to the Cedar River (DDES File No. L95SH146) is APPROVED, subject to the conditions of approval contained on pages 23 and 24 of the Department's June 6, 1996 Preliminary Report to the Hearing Examiner dated June 6, 1996 (Exhibit No. 2), AS MODIFIED by Exhibit No. 33 (attached to this June 27, 1996 Hearing Examiner's Report).

ORDERED this 27th day of June, 1996.

R. S. Titus, Deputy King County Hearing Examiner,
Acting as Shoreline Hearing Officer and as Zoning Adjutor

PRELIMINARY PLAT RECOMMENDATION:

GRANT preliminary approval to the proposed plat of Cedarwood, DDES File No. S91P0025, as described by Exhibit No. 7, subject to the recommended conditions of final plat approval contained on pages 17 through 23 of the DDES Preliminary Report to the King County Hearing Examiner dated June 6, 1996 (Exhibit No. 2), AS MODIFIED by Exhibit No. 33 (attached to this June 27, 1996 Hearing Examiner's Report).

RECOMMENDED this 27th day of June, 1996.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 27th day of June, 1996, to the following parties and interested persons:

Chuck Adams
WSDOT

900 - 4th Avenue
Seattle, WA 98104

Rosemary Allison

Cedarwood/S91P0025 Cedar Rv.Water/Sewer District 18300 SE Lake Youngs Road Renton, WA 98058	Fairwood Greens HOA PO Box 58053 Renton, WA 98058-1053	Evan Roberts 13901 SE 156th Street Renton, WA 98038
Aqua Barn Ranch 15227 SE Maple Valley Highway Renton, WA 98038	Grtr Maple Valley Area Council PO Box 101 Maple Valley, WA 98038	Bruce Rommel Valley Daily News P. O. Box 130 Kent, WA 98035-0130
Richard L. Barrett 25050 - 164th Avenue SE Kent, WA 98042-5232	Robert Johnson Hugh G. Goldsmith & Associates PO Box 3565 Bellevue, WA 98009	Maurice Studebaker 13411 SE 159th Place Renton, WA 98058
H.C.G. Benist 16012 - 133rd Place SE Renton, WA 98058	George Kresovich Attorney At Law 1221 Second Avenue #500 Seattle, WA 98101	John Taylor 9221 South 202nd Street Kent, WA 98031
Victor Bishop Trans.Planning&Engineering 2102 - 112th Avenue NE Bellevue, WA 98004	Patrick Lennon Lennon Investments, Inc. 14410 Bel-Red Road #200 Bellevue, WA 98007	Tom Uren, Engineer Hugh G. Goldsmith & Associates PO Box 3565 Bellevue, WA 98009
M/M Ed Bowden 3939 SE 10th Place Renton, WA 98055	Barbara Loomis KC Landmarks & Heritage Comm. 304 - 8th Avenue West Kirkland, WA 98033	Ron Wendt 15416 139th SE Renton, WA 98058
Anil Butail Terra Associates, Inc. 12525 Willows Road #101 Kirkland, WA 98034	Fred Lorenz 14900 - 135th Avenue SE Renton, WA 98058	Audrey Williams 13411 SE 151st Renton, WA 98058
Cedarwood Group 14410 Bel-Red Road #140 Bellevue, WA 98007	Ron Norton 15040 - 135th Avenue SE Renton, WA 98058	Richard Wilson Attorney At Law 1221 Second Avenue #500 Seattle, WA 98101
Trish Clements Hugh G. Goldsmith & Assoc.Inc. PO Box 3565 Bellevue, WA 98009	Darrel Offe 13932 SE 159th Place Renton, WA 98058	King Co.Fire Dist. #40 Stanley Moe, Fire Marshall 14810 SE Petrovitsky Rd. Renton, WA 98058
Darvin Curtis 15010 - 135th Avenue SE Renton, WA 98058	Gordon Phares 15432 - 139th Avenue SE Renton, WA 98058	King Co.Fire Dist. #40 Sandy Haydock, Fire Inspector 14810 SE Petrovitsky Rd. Renton, WA 98058
	William Rash 13908 SE 155th Place Renton, WA 98058	King Co.Fire Dist. #40 Kinnon Williams, Attorney 14810 SE Petrovitsky Rd. Renton, WA 98058
Ann Bickle, Surface Water Management Division Kim Claussen, DDES/LUSD, Site Plan Review Peter Dye, DDES/LUSD, Engineering Review Robert S. Gruhn, KC Landmarks & Heritage Com Rich Hudson, DDES/LUSD, SEPA Jon Hansen, DDES/LUSD, Site Development Julie Kohler, Historic Preservation Officer Tom Koney, Metropolitan King County Council	Michaelene Manion, DDES/LUSD, Site Plan Review Aileen McManus, Dept. of Trans., Traffic & Plng Mark Mitchell, DDES/LUSD, Site Plan Review Paulette Norman, Dept. of Trans., Traffic & Planning Lisa Pringle, DDES/LUSD, Site Plan Review Larry West, DDES/LUSD, Site Development Bruce Whittaker, DDES/LUSD, Engineering Review Charlie Sundberg, Cultural Resources Division	

PRELIMINARY PLAT:
NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before July 11, 1996. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before July 18, 1996. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior

to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless a proceeding for review pursuant to the Land Use Petition Act is commenced by filing a land use petition in the Superior Court for King County and serving all necessary parties within twenty-one (21) days of the date on which the Council passes an ordinance acting on this matter.

CONDITIONAL USE PERMIT:
NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

This land use action may be appealed in writing to the King County Hearing Examiner, with a fee of \$125.00 (check payable to King County Office of Finance). Because in issuing the above decision a Deputy Hearing Examiner was acting in lieu of the Zoning Adjustor, any subsequent appeal is subject to the procedures governing Zoning Adjustor appeals and will be assigned to a different Examiner.

As required by KCC 20.24.090, appeals must be filed within ten (10) calendar days from the date of transmittal, and appeal arguments shall state with **SPECIFICITY** the decision being appealed and the reasons why the Zoning Adjustor's decision should be reversed or modified.

Arguments must be based on the record before the Zoning Adjustor, and new information will not be accepted on appeal by the Hearing Examiner. Appeals must be directed to any errors of fact, procedures or conclusions made by the Zoning Adjustor, which constitute the sole grounds for remand, reversal or modification of the decision pursuant to King County Code 21.58.070.

Appeals must be submitted to the Land Use Services Division addressed as follows:

ZONING ADJUSTOR APPEAL
Land Use Controls Unit
Land Use Services Division
Department of Development and Environmental Services
3600 136th Place Southeast
Bellevue, WA 98006-1400

SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT:
NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

The decision of the Shoreline Hearing Examiner may be appealed to the State Shoreline Hearings Board. Information on appeal procedures may be obtained from Washington State Department of Ecology, Olympia Office - telephone (206) 459-6327. Requests for review by the Hearings Board must be received by the State Department of Ecology and State Attorney General's Office within thirty (30) days of receipt by the Department of Ecology of the permit or letter of denial.

MINUTES OF THE JUNE 6, 1996 AND JUNE 7, 1996 COMBINED PUBLIC HEARINGS ON LAND USE SERVICES FILES NO. S91P0025 (PRELIMINARY PLAT APPLICATION), L95AC011 (CONDITIONAL USE PERMIT APPLICATION), L95SH146 (SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT APPLICATION), AND APPEALS OF SEPA THRESHOLD DETERMINATION - CEDARWOOD:

R.S. Titus was the Hearing Examiner in this matter. Participating at the pre-hearing conference on May 23, 1996 were George Kresovich, Attorney At Law, representing the Applicant; Richard Barrett, Appellant; Kim Claussen, DDES/Land Use Services Division, Site Plan Review; Rich Hudson, DDES/Land Use Services Division, SEPA; and Bruce Whittaker, DDES/Land Use Services Division, Engineering Review. Participating at the hearing were Richard Wilson, Richard Barrett, Barbara Loomis, Tom Uren, Kinnon Williams, Stanley Moe, Sandy Haydock, Ron Norton, Robert Johnson, Anil Butail, Victor Bishop, Chuck Adams, Kinnon Williams, Patrick Lennon, Kim Claussen, Rich Hudson, Julie Kohler, and Bruce Whittaker.

On June 6, 1996 the following preliminary plat application, conditional use permit application, and SEPA threshold determination appeal exhibits were offered and entered into the record:

Exhibit No. 1a	Department of Development and Environmental Services plat application File No.
	S91P0025 (two folders)

Exhibit No. 1b	Department of Development and Environmental Services conditional use permit application File No. L95AC011
Exhibit No. 2	Department of Development and Environmental Services Preliminary Report prepared for the June 6, 1996 public hearing of Cedarwood (plat, conditional use, shoreline & SEPA)
Exhibit No. 3a	Plat application, dated October 3, 1995 (in DDES File No. S91P0025)
Exhibit No. 3b	CUP application, dated October 3, 1995 (in DDES File No. L95AC011)
Exhibit No. 4	Cedarwood preliminary plat environmental checklist, received/October 3, 1995
Exhibit No. 5	Mitigated Determination of Non-Significance for the Plat of Cedarwood, dated April 23, 1996 (in DDES File No. S91P0025)
Exhibit No. 6	Affidavit of Posting, indicating May 6, 1996 as date of posting and received May 14, 1996 (in DDES File No. S91P0025)
Exhibit No. 7a	Revised plat map, dated June 5, 1996
Exhibit No. 7b	Revised site plan (CUP), dated September 1995, printed/May 30, 1996 (9 sheets)
Exhibit No. 8	Land use maps (Kroll): 815E/W, 816W, 820E, 821W (taped together)
Exhibit No. 9	Assessor's Maps (15 sheets)
Exhibit No. 10	Preliminary plat of Cedarwood, Level One Down-stream Analysis, prepared by Goldsmith & Associates, Inc., dated September 1995, received October 3, 1995
Exhibit No. 11	SWM Variance File No. L95V0182/Cedarwood (also Attachment No. 2 of Exhibit No. 2)
Exhibit No. 12	Conceptual drainage plan, prepared by Goldsmith & Associates, Inc., dated printed/May 30, 1996
Exhibit No. 13	Cedarwood geotechnical report, prepared by Terra Associates, Inc., dated September 21, 1995, received/October 3, 1995
Exhibit No. 14	Cedarwood Geotechnical Addendum Report, prepared by Terra Associates, Inc., dated January 16, 1996 (in DDES File No. S91P0025)
Exhibit No. 15	Cedarwood Wetland Identification/Evaluation & Delineation Report, prepared by IES Associates, dated September 20, 1995, received October 3, 1995
Exhibit No. 16	Cedarwood Wetland Identification/Evaluation & Delineation Addendum Report, prepared by IES Associates, dated January 22, 1996 (in DDES File No. S91P0025)
Exhibit No. 17	Letter, dated May 16, 1996, from Goldsmith & Associates, Inc., to King County DDES, re: sight distance
Exhibit No. 18	Cedarwood Traffic Impact and Access Analysis, prepared by Transportation Planning & Engineering, Inc., dated September 21, 1995, received October 3, 1995
Exhibit No. 19	Cedarwood Traffic Impact and Access Analysis Addendum, prepared by Transportation Planning & Engineering, Inc., dated February 1, 1996 (in DDES File No. S91P0025)
Exhibit No. 20	Cedarwood Traffic Impact and Access Analysis Addendum, prepared by Transportation Planning & Engineering, Inc., dated February 14, 1996 (in DDES File No. S91P0025)
Exhibit No. 21	Cedarwood Traffic Impact and Access Analysis Addendum, prepared by Transportation Planning & Engineering, Inc., dated April 1, 1996 (in DDES File No. S91P0025)
Exhibit No. 22	Letter, dated May 9, 1996, from Transportation Planning & Engineering, Inc. (in DDES File No. S91P0025)
Exhibit No. 23	KCRS variance request letter, dated May 23, 1996
Exhibit No. 24a	Letter, dated January 18, 1996, from Washington State Dept. of Transportation, to King County DDES (in DDES File No. S91P0025)
Exhibit No. 24b	Letter, dated March 25, 1996, from Washington State Dept. of Transportation, to King County DDES (in DDES File No. S91P0025)
Exhibit No. 24c	Letter, dated April 4, 1996, from Washington State Dept. of Transportation, to King County DDES (in DDES File No. S91P0025)
Exhibit No. 24d	Duplicate of Exhibit No. 24c
Exhibit No. 24e	Letter, dated May 16, 1996, from Washington State Dept. of Transportation, to King County DDES
Exhibit No. 25	Boundary line adjustment, dated September 12, 1995, prepared by Goldsmith & Associates, Inc.
Exhibit No. 26	Memos from King County Cultural Resources Division: <div style="margin-left: 40px;"> 26a: Dated December 18, 1995, from Charlie Sundberg to Rich Hudson 26b: Dated April 9, 1996, from Leonard Garfield to Rich Hudson 26c: Dated May 5, 1996, from Leonard Garfield to Marilyn Cox </div>
Exhibit No. 27	King County Landmarks Commission Designation Report, dated November 7, 1990, re: final designation of the Elliott farm (in DDES File No. S91P0025)
Exhibit No. 28a	SEPA appeal letter, dated May 8, 1996, from Richard R. Wilson
Exhibit No. 28b	SEPA appeal letter, dated May 8, 1996, from Richard L. Barrett, with attached SEPA appeal fee invoice
Exhibit No. 29a	Letter, dated May 3, 1996 from King County Fire Protection District #40, to Rich Hudson
Exhibit No. 29b	Letter, dated May 15, 1996 from King County Fire Protection District #40, to Rich Hudson
Exhibit No. 30	Department of Development and Environmental Services SEPA File No. S91P0025

Exhibit No. 31	Cedarwood recreation/open space plans, prepared by Goldsmith & Associates, Inc, dated June 5, 1996 (3 sheets)
Exhibit No. 32	Revised SEPA Mitigated Determination of Non-Significance Condition No. 4
Exhibit No. 33	Addendum to DDES Preliminary Report (Exhibit No. 2, above): additional and revised recommendations
Exhibit No. 34	140th Way SE CIP, modified by Goldsmith & Associates, Inc., dated May 23, 1996 (6 pages)
Exhibit No. 35	Aerial photo of Cedarwood site, negative date June 27, 1994
Exhibit No. 36	Aerial photo of Cedarwood site, taken 1974
Exhibit No. 37	Overall site plan, prepared by Goldsmith & Associates, dated May 14, 1996, revised June 4, 1996 (color enhanced)
Exhibit No. 38	Conceptual drainage plan, prepared by Goldsmith & Associates, dated printed/May 30, 1996
Exhibit No. 39	Revised CUP sheet, dated May 22, 1996, (color enhanced)
Exhibit No. 40a	King County landmark registration form, Elliott farm, with attached farm site drawing
Exhibit No. 40b	WITHDRAWN
Exhibit No. 41	Boundary survey of Elliott farm parcel, prepared by King County Natural Resources & Parks Division, dated March 21, 1991
Exhibit No. 42	Elliott farm aerial photo, undated
Exhibit No. 43	Four Elliott farm site photos (on one sheet), prepared and identified by Richard Barrett
Exhibit No. 44	Post rail and fence photo with cattle, Elliott farm, taken approximately 1936
Exhibit No. 45	Cedarwood vicinity aerial photo, undated
Exhibit No. 46	Cedarwood CUP revised site plan, prepared by Goldsmith & Associates, undated
Exhibit No. 47	Chicago Title Insurance Company letter, dated September 26, 1995, re: land deed, Elliott farm property
Exhibit No. 48	Map showing parcel E-3
Exhibit No. 49	NOT ACCEPTED
Exhibit No. 50	Letter, dated June 10, 1996, from Maple Valley Land Associates Limited Partnership, to Linda Daugherty, King County Parks & Recreation
Exhibit No. 51	Assignment of beneficial interest, dated August 12, 1994 (foreclosure action)
Exhibit No. 52	Memorandum, dated January 24, 1996, from Charlie Sundberg, to Rich Hudson
Exhibit No. 53	Memorandum, dated January 12, 1996, from Leonard Garfield, King County Cultural Resources Division, to Craig Larsen, Parks and Cultural Resources
Exhibit No. 54	Letter, dated June 6, 1996 from King County Fire Protection District #40, to King County Hearing Examiner
Exhibit No. 55	Letter, dated June 6, 1996, from Washington State Dept. of Transportation, to King County DDES
Exhibit No. 56	Resume, Anil Butail, Terra Associates, Inc.
Exhibit No. 57	Statement of Qualifications, Terra Associates, Inc., consultants in geotechnical engineering
Exhibit No. 58	Resume, Victor H. Bishop, Transportation Planning & Engineering, Inc.
Exhibit No. 59	Site plan, prepared by Goldsmith & Associates, dated May 20, 1996 (color enhanced)
Exhibit No. 60	Resume, Thomas M. Uren, Goldsmith & Associates

On June 7, 1996 the following preliminary plat application, conditional use permit application, and SEPA threshold determination appeal exhibits were offered and entered into the record:

Exhibit No. 61	Copy of page 1193, Webster's New World Dictionary, Second College Edition
Exhibit No. 62	Resume, Patrick O. Lennon, Lennon Investments
Exhibit No. 63	INCORPORATED BY REFERENCE: Cedarwood, Shoreline File No. L95SH146 hearing record Exhibit Nos. 1 through 13

On June 14, 1996, the following exhibit was entered pursuant to administrative continuance:

Exhibit No. 64	Examiner's SEPA Threshold Determination Appeal Report and Decision dated June 14, 1996
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On June 6, 1996 the following shoreline substantial development permit application exhibits were offered and entered into the record:

Exhibit No. 1	Department of Development and Environmental Services shoreline permit File No. L95SH146
Exhibit No. 2a	Department of Development and Environmental Services Preliminary Report prepared for the June 6, 1996 public hearing of Cedarwood (plat, conditional use, shoreline & SEPA)
Exhibit No. 2b	Addendum to DDES preliminary report (Exhibit No. 2a, above): additional and revised recommendations
Exhibit No. 3a	Application, received/October 3, 1995 (in DDES File No. L95SH146)
Exhibit No. 3b	Complete application, dated and received November 2, 1995 (in DDES File No. L95SH146)
Exhibit No. 4	Cedarwood preliminary plat environmental checklist, received/October 3, 1995

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Exhibit No. 5	Mitigated Determination of Non-Significance for the Plat of Cedarwood, dated April 23, 1996
Exhibit No. 6	Affidavit of Posting, indicating April 23, 1996 as date of posting
Exhibit No. 7	Proposed improvement plan, prepared by Goldsmith & Associates, received/ October 3, 1996
Exhibit No. 8	Justification - Goldsmith, received October 3, 1996 (in DDES File No. L95SH146)
Exhibit No. 9	Assessor's map, NW 22-23-05
Exhibit No. 10	Washington State Dept. of Transportation authorization to submit, dated November 2, 1995
Exhibit No. 11	Photo, pipe outfall, dated June 6, 1996, taken by Patrick Lennon
Exhibit No. 12	Photo, pipe root, marked to show outfall pipe, dated June 6, 1996, taken by Patrick Lennon

On June 7, 1996 the following shoreline substantial development permit application exhibits were offered and entered into the record:

Exhibit No. 13	Potential revisions to Condition No. 7
Exhibit No. 14	INCORPORATED BY REFERENCE: Cedarwood, Preliminary Plat Application File No. S91P0025, Conditional Use Permit Application File No. L95AC011, and SEPA Threshold Determination Appeal hearing record Exhibits Nos. 1 through 62

RST:gb
Attachment: Exhibit #33
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